

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

JUL 6 2000

OFFICE OF  
MANAGING DIRECTOR

86-285

Larry D. Perry, Esq.  
11464 Saga Lane  
Knoxville, TN 37931-2819

RE: Request for Reconsideration of Dismissal of  
Request for Waiver of FY 1998 Regulatory Fees  
WNTQ-TV Florida Media Broadcasters, Inc  
Fee Control No. 9809178835444003  
Fee Paid \$1,075.00

Dear Mr. Perry:

This is in response to the request for reconsideration of the dismissal of your request for waiver of Fiscal Year (FY) 1998 regulatory fees, filed on behalf of Florida Media Broadcasters, Inc., licensee of WNTQ-TV, Daytona, Florida.

Your request asserted that Florida Media Broadcasters, Inc. was unable to pay the full regulatory fee due to expenses and losses for the past year. To support the assertion you submitted a Balance Sheet as of August 31, 1998, a Profit and Loss accounting for August 1998 and a Comparison Profit and Loss summary for January through August 1998. Your request was dismissed on September 16, 1999 because the documentation you submitted did not present a compelling case of financial hardship. In that decision we discussed the requirement to document adequately a compelling case of financial hardship and specifically noted:

In considering financial hardship, our consideration is limited to the financial viability of a station and its ability to provide services. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation, or similar items are considered funds available to pay the fees. It appears from the limited documentation submitted that Florida Media Broadcasters, Inc. may have been making significant payments to its principals. Such funds would be considered funds available to pay the regulatory fees.

We also stated that, "in lieu of payment [of the FY 1998 regulatory fee], Florida Media Broadcasters, Inc.'s request may be refiled together with appropriate supporting documentation within 30 days from the date of this letter."

Larry D. Perry, Esq.

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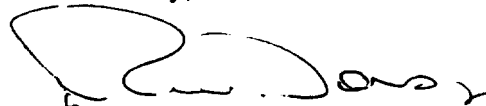
You filed a request for reconsideration on October 12, 1999, but you did not submit additional information sufficient to support a waiver of regulatory fees based on a compelling case of financial hardship. You provided a Profit and Loss accounting for January through December 1998, but there was no additional information relevant to the ability to pay regulatory fees in September 1998. You also included a letter from Jim McCotter, President, Florida Media Broadcasters, Inc., stating that the "Management Fees" detailed in the Profit and Loss summary were not payments to principals. You did not, however, provide lists of principals, officers, and highest paid employees and their compensation and other payments or similar information.

The Commission has held that to establish a compelling case of financial hardship, the regulatee must fully document its financial position and show that it lacks sufficient funds to pay the regulatory fee and maintain service to the public. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). You have failed to establish a compelling case of financial hardship. Therefore, the request for waiver and reduction of regulatory fees is denied.

Payment of the full regulatory fee of \$10,725, less payment of \$1,075, is now due. The \$9,650 should be filed together with a Form 159 (copy enclosed) within 30 days from the date of this letter. You are cautioned that the failure to submit payment as required may result in further sanctions and the initiating of a proceeding to recover the penalty and accrued interest pursuant to the provisions of the Debt Collection Improvement Act of 1996.

If you have any questions concerning this letter, please call the Credit & Debt Management Group at 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a horizontal line.

Mark A. Reger  
Chief Financial Officer



Larry D. Perry

11464 Saga Lane • Knoxville, TN 37931-2819 • Telephone (865) 927-8474 • Fax (865) 927-4912  
email: larryperry@worldnet.att.net

*Putnam  
Action  
R-*

October 12, 1999

Mr. Mark Reger  
Chief Financial Officer  
Federal Communications Commission  
Washington, D.C. 20554

VIA FED EX

**RE: WNTD-TV--DAYTONA FLORIDA--1997-98 REGULATORY  
FEE WAIVER REQUEST REFILE**

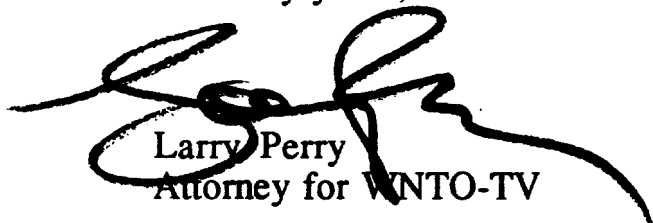
Dear Mr. Reger:

Attached please find my client's request for reconsideration of your letter and our original partial waiver request for the 1997-98 Spectrum (Regulatory) fees for Florida Media Broadcasters Inc. licensee of commercial television station WNTD-TV located in Daytona, Florida.

A copy of your letter dated September 16, 1999, is also attached.

Should you have any questions concerning this matter, please feel free to contact this office for clarification.

Sincerely yours,

  
Larry Perry  
Attorney for WNTD-TV

cc: Jim McCotter

LP/eb

ASSOC. MGR. DIR.  
FINANCIAL OPERATIONS  
(410-779-1111)  
Oct 13 3 33 PM '99

**WNTD-TV***Executive Offices*

523 Douglas Ave

Altamonte Springs, FL 32714

407-774-2626

October 11, 1999

Office of Managing Director  
Federal Communications Commission  
Washington, D.C. 20554

**RE: FEE CONTROL # 9809178835444003---WNTD-TV--DAYTONA FLORIDA**

Dear Mr. Reger:

I received a copy of your letter to our attorney, Larry Perry, dated September 16 concerning our request that a portion of the spectrum fees for 1997 be waived due to extreme financial hardship. In your letter you indicated that significant payments were apparently made to the principals and thus negating our request for waiver.

I am sorry that you interpret the financials that way as the principals had to infuse money into the station rather than taking any out! I am attaching a year end 1998 Profit and Loss Statement showing our losses at that time.

The "Management Fees" referred to in the Expense column were not to the principals, but rather to a management company that we hired to help turn the revenue posture around and to our program management consultant (non-principal of the company) who works with us to obtain programs that are revenue producing to the station.

There are no deductions for depreciation or similar items in the list. In short Mr. Reger, if we had the money to pay the regulatory fee, we would certainly do so.

The purpose of this letter and attachments is to request your review of the fee waiver request with this supporting documentation which is perhaps somewhat more detailed than the material previously sent.

Thank you for your time and consideration in this matter.

Sincerely yours,

**FLORIDA MEDIA BROADCASTERS INC.**  
Jim McCotter, Pres.

**FEDERAL COMMUNICATIONS COMMISSION**

Washington, D. C. 20554

September 16, 1999

**OFFICE OF  
MANAGING DIRECTOR**

Larry D. Perry, Esquire  
11464 Saga Lane  
Knoxville, TN 37931-2819

Re: Request for Waiver of Regulatory Fee  
WNTD-TV Florida Media Broadcasters, Inc  
Fee Control No. 9809178835444003

Dear Mr. Perry:

This is in response to the request for waiver of the Fiscal Year 1998 regulatory fee filed on behalf of Florida Media Broadcasters, Inc., licensee of WNTD-TV, Daytona, Florida. We apologize for failing to respond to your request in a timely manner.

You assert that Florida Media Broadcasters, Inc. is unable to pay the full regulatory fee due to expenses and losses for the past year. To support the assertion you submitted a Balance Sheet as of August 31, 1998; Profit and Loss accounting for August 1998 and Comparison Profit and Loss summary for January through August 1998.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

# Payment Transactions Detail Report

Date: 11/08/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name				Fcc Account Number	Payer TIN	Received Date				
9809178835444003	MC COTTER, JIM BOX 3266				FCC2061176		9/16/1998 00:00:0				
	AVON		CO		81620						
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,075.00	\$1,075.00	1	MJU8	1	WNTOTV	FLORIDA MEDIA BROADCASTERS INC	32714		\$1,075.00	1	PMT
Total									1	\$1,075.00	